

January 10, 2022

Docket Operations M-30  
US Department of Transportation  
1200 New Jersey Ave, SE  
West Building Ground Floor Room W12-140  
Washington, DC 20590

**Subject: Doc. No. FAA-2002-12728; Exemption 7897K from 14 CFR (FAR Sections) – 91.409(e), 91.409(f), 91.501(a) and 91.503 thru 91.535**

The National Business Aviation Association, Inc. (NBAA) hereby petitions for an extension of Exemption No. 7897K for a period of 24 months. Originally, Exemption 1637 was granted on September 12, 1972 and was last amended by Exemption 7897K on March 15, 2018. Under Exemption No. 7897K the NBAA is granted an exemption from 14 CFR 91.409(a) and 91.501(a) to permit NBAA Members to operate small civil airplanes and helicopters of U.S. registry under the operating rules of 14 CFR 91.503 through 91.535 and to select and use an inspection program described in 14 CFR 91.409(f). In addition, helicopter operations are not required to comply with the minimum safe altitude rules of 14 CFR 91.515(a), provided these operations comply with the minimum safe altitude requirements of 14 CFR 91.119.

The original justification for this exemption has been confirmed by years of experience. NBAA is not aware of any incidents or accidents attributable to faulty maintenance or inspection practices involving aircraft operated under this exemption. There is evidence that this exemption has contributed materially to the increased safety of small airplane and helicopter operations by permitting utilization of continuous inspection procedures.

Additionally, NBAA requests that the FAA allow the use of this exemption by NBAA members conducting international operations.

NBAA has reviewed all of the ICAO Standards and Recommended Practices Annexes and has not identified any elements of the exemption request that would conflict with international standards. A specific review below details each ICAO Annex.

Annex 1

This section deals with personal licensing and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 2

This section deals with the Rules of the Air and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 3

This section deals with Meteorological Service for International Air Navigation and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 4

This section deals with Aeronautical Charts and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 5

This section deals with Units of Measurements to be Used in Air and Ground Operations and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 6

This section of the ICAO Standards and Recommended Practices deals with Operation of Aircraft and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 7

This section deals with Aircraft Nationality and Registration Marks and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 8

This section deals with Airworthiness of Aircraft and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 9

This section deals with Facilitation and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 10

This section deals with Aeronautical Telecommunications and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 11

This section deals with Air Traffic Control and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 12

This Section deals with Search and Rescue and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 13

This Section deals with Aircraft Accident and Incident Investigation and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 14

This Section deals with Aerodromes and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 15

This Section deals with Aeronautical Information Services and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 16

This Section deals with Environmental Protection and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 17

This Section deals with Safeguarding International Civil Aviation Against Acts of Unlawful Interference and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 18

This Section deals with The Safe Transport of Dangerous Goods by Air and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

Annex 19

This section deals with application and development of Safety Management Systems and does not present any conflicts with 14 CFR 91.503 through 14 CFR 91.535.

In 2006, the opening sentence of 14 CFR 375.37, a very similar regulation to §91.501(b), was amended. The Department of Transportation promulgated that it had “determined that there are no ICAO Standards and Recommended Practices that correspond to these amendments” (Exec. Order No. 12866, 59 Fed. Reg. 71 (Mar. 28, 2006)). The DOT has determined that there are no international conflicts with companies reimbursing for operations listed §375.37, which would mean that there are also no international conflicts with §91.501(b). Under this exemption NBAA and its members would be eligible to operate outside of the United States airspace with no international conflicts.

Finally, the FAA Part 135/125 Aviation Rulemaking Committee (ARC) reached consensus on a recommendation document that would incorporate this exemption into the Federal Aviation Regulations. NBAA actively supported this recommendation and encourages the FAA to adopt the ARC’s recommendation in an upcoming rulemaking initiative, thereby eliminating the need for this exemption in the future. Until the ARC recommendation is codified, however, this exemption remains an important component of the increased safety of small airplane and helicopter operations.

NBAA continues to support the enhanced processes currently in place that allow the FAA and NBAA to identify each operator that takes advantage of this exemption.

Please contact me if there is any additional information we can provide to support the processing of this exemption request.

Respectfully submitted,



Douglas Carr  
Senior Vice President  
Safety, Security, Sustainability & International Affairs